



# House of Representatives

## File No. 1012

General Assembly

January Session, 2009

**(Reprint of File No. 510)**

Substitute House Bill No. 6419  
As Amended by House Amendment  
Schedules "A" and "B"

Approved by the Legislative Commissioner  
May 28, 2009

**AN ACT CONCERNING THE POLICIES, PRACTICES AND  
PROCEDURES OF THE DEPARTMENT OF CHILDREN AND FAMILIES  
AND A PILOT PROGRAM TO INCREASE PUBLIC ACCESS TO  
JUVENILE PROCEEDINGS.**

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2009*) The Commissioner of  
2 Children and Families shall submit, in accordance with the provisions  
3 of section 11-4a of the general statutes and within available  
4 appropriations, an annual report to the select committee of the General  
5 Assembly having cognizance of matters relating to children regarding  
6 (1) the results of Connecticut comprehensive objective reviews  
7 conducted by the Department of Children and Families, including any  
8 recommendations contained in such reviews and any steps taken by  
9 the department to implement such recommendations; (2) the aggregate  
10 data from each administrative case review, including any information  
11 regarding the strengths and deficiencies of the department's case  
12 review process; and (3) any steps the department is taking to address  
13 department-wide deficiencies.

14       Sec. 2. (NEW) (*Effective October 1, 2009*) The Commissioner of  
15 Children and Families shall (1) determine measurable outcomes for  
16 each type of service provided by a private provider pursuant to such  
17 provider's contract with the Department of Children and Families; (2)  
18 incorporate such outcomes into the department's contract with each  
19 such provider; and (3) include achievement of such outcomes and  
20 other quality indicators in annual evaluations of each such provider.  
21 The department shall, annually, submit a report, in accordance with  
22 section 11-4a of the general statutes, to the joint standing committee of  
23 the General Assembly having cognizance of matters relating to human  
24 services on the department's progress in implementing such steps,  
25 including (A) the number of service types with outcomes, (B) the types  
26 of outcomes, (C) the incorporation of such outcomes into contracts,  
27 and (D) the application of outcome information into quality  
28 improvement.

29       Sec. 3. (NEW) (*Effective October 1, 2009*) The Department of Children  
30 and Families shall include the following information in each document  
31 of the department entitled study in support of permanency plan and  
32 status report for permanency planning team, except when otherwise  
33 directed by the Juvenile Court: (1) A description of any problems or  
34 offenses that necessitated the placement of the child with the  
35 department; (2) a description of the type and an analysis of the  
36 effectiveness of the care, treatment and supervision that the  
37 department has provided for the child; (3) for each child in substitute  
38 care, the current visitation schedule between the child and his parents  
39 and siblings; (4) a description of every effort taken by the department  
40 to reunite the child with a parent or to find a permanent placement for  
41 the child, including, where applicable, every effort to assist each parent  
42 in remedying factors that contributed to the removal of the child from  
43 the home; (5) a proposed timetable for reunification of the child and a  
44 parent, a permanent placement if continued substitute care is  
45 recommended or a justification of why extended substitute care is  
46 necessary; and (6) whether the child has been visited no less frequently  
47 than every three months by a state or private agency if the child has

48 been placed in foster care outside this state.

49 Sec. 4. Section 46b-129 of the general statutes is amended by adding  
50 subsection (r) as follows (*Effective October 1, 2010*):

51 (NEW) (r) In any proceeding under this section, the Department of  
52 Children and Families shall provide notice to every attorney of record  
53 for each party involved in the proceeding when the department seeks  
54 to transfer a child or youth in its care, custody or control to an out-of-  
55 state placement.

56 Sec. 5. Section 46b-122 of the general statutes is repealed and the  
57 following is substituted in lieu thereof (*Effective October 1, 2009*):

58 (a) All matters which are juvenile matters, as provided in section  
59 46b-121, shall be kept separate and apart from all other business of the  
60 Superior Court as far as is practicable, except matters transferred  
61 under the provisions of section 46b-127, which matters shall be  
62 transferred to the regular criminal docket of the Superior Court. [Any]  
63 Except as provided in subsection (b) of this section, any judge hearing  
64 a juvenile matter may, during such hearing, exclude from the room in  
65 which such hearing is held any person whose presence is, in the court's  
66 opinion, not necessary, except that in delinquency proceedings, any  
67 victim shall not be excluded unless, after hearing from the parties and  
68 the victim and for good cause shown, which shall be clearly and  
69 specifically stated on the record, the judge orders otherwise. For the  
70 purposes of this section, "victim" means a person who is the victim of a  
71 delinquent act, a parent or guardian of such person, the legal  
72 representative of such person or an advocate appointed for such  
73 person pursuant to section 54-221.

74 (b) The Judicial Department shall establish, in a superior court for  
75 juvenile matters location designated by the Chief Court Administrator,  
76 a pilot program to increase public access to proceedings in which a  
77 child is alleged to be uncared for, neglected, abused or dependent or is  
78 the subject of a petition for termination of parental rights. In any  
79 proceeding under this subsection, the judge may order on a case-by-

80 case basis that such proceeding be kept separate and apart and heard  
81 in accordance with subsection (a) of this section, upon motion of any  
82 party for good cause shown. After consultation with the Juvenile  
83 Access Pilot Program Advisory Board established pursuant to section 6  
84 of this act, the Judicial Department shall adopt policies and procedures  
85 for the operation of the pilot program.

86 (c) Nothing in this section shall be construed to affect the  
87 confidentiality of records of cases of juvenile matters as set forth in  
88 section 46b-124.

89 Sec. 6. (*Effective from passage*) (a) There is established a Juvenile  
90 Access Pilot Program Advisory Board. The board shall consist of the  
91 following members:

92 (1) The Chief Court Administrator, or the Chief Court  
93 Administrator's designee;

94 (2) An attorney who represents children in proceedings in which a  
95 child is alleged to be uncared for, neglected, abused or dependent,  
96 appointed by the Speaker of the House of Representatives;

97 (3) An attorney who serves as a guardian ad litem in proceedings in  
98 the juvenile court, appointed by the president pro tempore of the  
99 Senate;

100 (4) A member or former member of the media who has experience  
101 reporting on juvenile matters, appointed by the majority leader of the  
102 House of Representatives;

103 (5) An attorney who represents parents in proceedings in which a  
104 child is alleged to be uncared for, neglected, abused or dependent,  
105 appointed by the majority leader of the Senate;

106 (6) A judge of the Superior Court assigned to hear juvenile matters,  
107 appointed by the Chief Justice of the Supreme Court;

108 (7) An assistant attorney general assigned to the Child Protection

109 Unit within the Office of the Attorney General, appointed by the  
110 Attorney General;

111 (8) An attorney who represents children and parents under a  
112 contract with the Chief Child Protection Attorney, appointed by the  
113 minority leader of the House of Representatives;

114 (9) An employee of the Department of Children and Families from  
115 the division of the department that provides child welfare services,  
116 appointed by the Commissioner of Children and Families;

117 (10) A social worker employed by the Department of Children and  
118 Families who, at the time of appointment, has experience working  
119 directly with children and families on behalf of the department,  
120 appointed by the minority leader of the Senate;

121 (11) The Chief Child Protection Attorney, or the Chief Child  
122 Protection Attorney's designee;

123 (12) The Child Advocate, or the Child Advocate's designee;

124 (13) The Chief State's Attorney, or the Chief State's Attorney's  
125 designee; and

126 (14) The Chief Public Defender, or the Chief Public Defender's  
127 designee.

128 (b) All appointments to the board shall be made not later than thirty  
129 days after the effective date of this section. Any vacancy shall be filled  
130 by the appointing authority.

131 (c) The Chief Court Administrator and the attorney appointed  
132 pursuant to subdivision (2) of subsection (a) of this section shall serve  
133 as chairpersons of the advisory board. The chairpersons shall schedule  
134 the first meeting of the board, which shall be held not later than sixty  
135 days after the effective date of this section.

136 (d) The Juvenile Access Pilot Program Advisory Board shall (1)

137 review methods used in other states to increase public access to  
138 juvenile court proceedings of a similar nature to proceedings subject to  
139 the pilot program; (2) monitor the progress made by the Judicial  
140 Department in implementing the pilot program pursuant to section  
141 46b-122 of the general statutes, as amended by this act; (3) not later  
142 than December 31, 2010, submit written recommendations concerning  
143 the pilot program to the Judicial Department and the joint standing  
144 committees of the General Assembly having cognizance of matters  
145 relating to the judiciary and human services, in accordance with  
146 section 11-4a of the general statutes, with respect to such  
147 implementation and the pilot program; and (4) provide consultation to  
148 the Judicial Department pursuant to subsection (b) of section 46b-122  
149 of the general statutes, as amended by this act, regarding policies and  
150 procedures adopted pursuant to said section.

151 (e) The board shall terminate on January 1, 2011.

152 Sec. 7. (*Effective October 1, 2009*) The Judicial Department shall  
153 conduct a comprehensive review of the pilot program established  
154 pursuant to section 46b-122 of the general statutes, as amended by this  
155 act. Not later than December 31, 2010, the Chief Court Administrator  
156 shall submit a report on such comprehensive review and the pilot  
157 program, in accordance with section 11-4a of the general statutes, to  
158 the joint standing committees of the General Assembly having  
159 cognizance of matters relating to the judiciary and human services. At  
160 a minimum, the report shall include: (1) An assessment of the pilot  
161 program's effectiveness in balancing the interest in public access to  
162 proceedings included in the pilot program against the best interests of  
163 the children who are the subject of such proceedings; and (2) a  
164 recommendation on whether, and to what extent, the pilot program  
165 should be continued at the established juvenile matters location or  
166 expanded to other juvenile matters locations in the state.

<p>This act shall take effect as follows and shall amend the following sections:</p>
--

Section 1	<i>October 1, 2009</i>	New section
Sec. 2	<i>October 1, 2009</i>	New section
Sec. 3	<i>October 1, 2009</i>	New section
Sec. 4	<i>October 1, 2010</i>	46b-129
Sec. 5	<i>October 1, 2009</i>	46b-122
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>October 1, 2009</i>	New section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Judicial Dept.	GF - Cost	Minimal	Minimal

Note: GF=General Fund

#### **Municipal Impact:** None

#### **Explanation**

The Judicial Department would incur a minimal (i.e., less than \$50,000) annual cost in fiscal years 2010 and 2011 due to the bill's requirement that the Judicial Department establish a juvenile access pilot program and conduct a comprehensive review of the same.

Representatives of various state agencies identified to participate as members of the pilot program's advisory board can do so within each agency's normally budgeted resources.

Enactment of provisions within Sections 1 - 4 will result in no fiscal impact.

House "A" eliminated a requirement that the Department of Children and Families compile data tracking children's placement histories, schools attended, and length of time in each placement and school, for inclusion in documents identified in Section 3. This removed an indeterminate cost that would have been associated with additional staff time and/or needed computer systems modifications.

The amendment also eliminated Sections 5 and 6 of the original bill, which concerned parental visitation. No fiscal impact had been associated with these sections.

House “B” requires the Judicial Department to establish a juvenile access pilot program. This results in a minimal cost in 2010 and 2011 as discussed above. It also creates an advisory board, which can be accommodated within various agencies’ normally budgeted resources.

***The Out Years***

The annualized ongoing minimal fiscal impact associated with establishing a juvenile access pilot program would continue into the future subject to inflation, provided it is continued in accordance with the bill.

*Sources: 2/19/09 Public Hearing Testimony; Department of Children and Families.*

**OLR Bill Analysis****sHB 6419 (as amended by House “A” and B”)\******AN ACT CONCERNING THE POLICIES, PRACTICES AND PROCEDURES OF THE DEPARTMENT OF CHILDREN AND FAMILIES.*****SUMMARY:**

This bill makes several unrelated changes in statutes governing the Department of Children and Families (DCF). It requires the department to:

1. include specific information in permanency plan documents and
2. notify all attorneys of record when it decides to transfer a child to an out-of-state facility.

Beginning on unspecified dates, it requires DCF to file annual reports with the (1) Select Committee on Children on its case review findings and (2) Human Services Committee on its progress in incorporating measurable outcomes into contracts with providers.

The bill establishes a pilot program to increase public access to juvenile court proceedings concerning abused, neglected, or dependent children or those petitioning for termination of parental rights. It also creates a Juvenile Access Pilot Program Advisory Board.

\*House Amendment “A” removes several elements of permanency plans.

\*House Amendment “B” adds the provisions establishing the pilot program to increase public access to juvenile proceedings and the Juvenile Access Pilot Program Advisory Board.

EFFECTIVE DATE: October 1, 2009, except the provision concerning out-of-state transfers, which is effective October 1, 2010 and the provision establishing the Advisory Board, which is effective upon passage.

### **§ 3 — PERMANENCY PLANNING**

State and federal laws require DCF to establish and periodically revise permanency plans for children in its care or custody, which include abused and neglected children, delinquents, and children in its voluntary services program (i.e., children whose mental health needs could not otherwise be met).

#### ***Permanency Plan Documents***

The bill requires all DCF documents entitled “Study in Support of Permanency Plan” or “Status Report for Permanency Planning Team” to contain:

1. a description of any problems or offenses that caused the child to be placed under DCF’s custody, control, or supervision;
2. a description of the type, and an analysis of the effectiveness, of its care, treatment, and supervision of the child;
3. for each child in substitute care, the current visitation schedule for the child and his or her parents and siblings;
4. a description of every effort DCF has taken to reunify the child with a parent or find a permanent placement, including, where applicable, every effort to assist the parent in remedying factors that contributed to the child’s removal from the home; and
5. a proposed timetable for reunification of the child and parent, a permanent placement if continued substitute care is recommended, or a justification of why extended substitute care is necessary.

If a child is in an out-of-state placement, the plans must indicate

whether he or she has been visited at least every three months by a state or private agency worker.

## **§§ 501–503 — INCREASED ACCESS TO COURT PROCEEDINGS PILOT PROGRAM**

### ***Pilot Program***

By law, juvenile court hearings are heard separately from other Superior Court business and are closed to the public. The bill requires the Judicial Department to establish a pilot program to increase public access to proceedings where a child is alleged to be uncared for, neglected, abused, or dependent or is the subject of a petition for termination of parental rights. But it permits a juvenile court judge to order on a case-by-case basis, upon a motion of any party, that any proceeding be kept separate from other Superior Court business. The pilot program is to be located in a juvenile court designated by the chief court administrator. As in all juvenile matters, records of these proceedings are confidential.

### ***Juvenile Access Pilot Program Advisory Board***

The Juvenile Access Pilot Program Advisory Board must:

1. review the methods other states use to increase public access to similar juvenile court proceedings;
2. monitor the Judicial Department's progress in implementing the pilot program;
3. submit written recommendations concerning the pilot program to the Judicial Department and the Judiciary and Human Services committees by December 31, 2010; and
4. consult with the Judicial Department on policies and procedures relating to the pilot program.

The Juvenile Access Pilot Program Advisory Board consists of the following members:

1. the chief court administrator or her designee;
2. an attorney who represents children in abuse, neglect or dependency proceedings, appointed by the House speaker;
3. an attorney who serves as a guardian ad litem in proceedings in the juvenile court, appointed by the Senate president pro tempore;
4. a member or former member of the media who has experience reporting on juvenile matters, appointed by the House majority leader;
5. an attorney who represents parents in abuse, neglect or dependency proceedings, appointed by the Senate majority leader;
6. a Superior Court judge assigned to hear juvenile matters, appointed by the chief justice of the Supreme Court;
7. an assistant attorney general assigned to the child protection unit in the Attorney General's Office, appointed by the attorney general;
8. an attorney who represents children and parents under a contract with the chief child protection attorney, appointed by the House minority leader;
9. a DCF Child Welfare Services Division employee, appointed by the commissioner;
10. a DCF social worker who, at the time of appointment, has experience working directly with children and families on behalf of the department, appointed by the Senate minority leader;
11. the chief child protection attorney, or her designee;
12. the child advocate, or her designee;

13. the chief state's attorney, or his designee; and

14. the chief public defender, or her designee.

Members must be appointed within 30 days after passage of the bill. The chief court administrator and the attorney appointed by the House speaker will serve as the board's co-chairs. They must schedule the first meeting of the board within 60 days of the bill's passage.

After consultation with the Juvenile Access Pilot Program Advisory Board, the Judicial Department must adopt policies and procedures for the operation of the pilot program.

The board terminates on January 1, 2011.

### ***Pilot Program Review***

The Judicial Department must conduct a comprehensive review of the pilot program. The chief court administrator must submit a report on the review and the pilot program to the Judiciary and Human Services committees by December 31, 2010. The report must include:

1. an assessment of the pilot program's effectiveness in balancing the interest in public access to proceedings included in the program against the best interests of the children who are the subject of the proceedings and
2. a recommendation on whether, and to what extent, the pilot program should be continued at the established juvenile matters location or expanded to other juvenile matters locations.

## **§§ 1 & 2 — ANNUAL REPORTS**

### ***Case Reviews***

The bill requires annual reports to the Select Committee on Children on:

1. the results of Connecticut comprehensive objective reviews (internal qualitative reviews), including any recommendations contained in the reviews and any steps DCF has taken to

implement them;

2. aggregate data from each administrative case review, including any information on the strengths and deficiencies of its case review process; and
3. steps DCF is taking to address department-wide deficiencies.

### **Provider Contracts**

The bill requires DCF to determine measurable outcomes for each type of service it provides. The department must incorporate them in each contract with providers and include achievement of the outcomes and other quality indicators in its annual review of each provider.

The bill directs the DCF commissioner to file annual reports with the Human Services Committee on its efforts to determine measurable outcomes and incorporate them in provider contracts. Reports must also include:

1. the number of service types with outcomes,
2. the types of outcomes, and
3. the application of outcome information to quality improvement.

### **COMMITTEE ACTION**

Select Committee on Children

Joint Favorable Substitute Change of Reference  
Yea 11 Nay 0 (03/03/2009)

Human Services Committee

Joint Favorable Substitute  
Yea 15 Nay 4 (03/19/2009)

Judiciary Committee

Joint Favorable

Yea 40 Nay 0 (04/21/2009)

Appropriations Committee

Joint Favorable

Yea 51 Nay 0 (05/05/2009)